

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-4012-01-CR-C-NKL
)	
DAVID WAYNE FORBIS,)	
)	
Defendant.)	

ORDER

The Court has considered de novo the Defendant's Motion to Suppress [Doc. # 324], and the magistrate's order denying it [Doc. # 335]. No objections to the order have been filed. The Court agrees with the magistrate's ruling. The facts show that there was probable cause for the search of both vehicles. Further, the officers had a reasonable basis to believe that evidence related to methamphetamine use or production might be in the car. Therefore, the requirements of *Arizona v. Grant*, ___ U.S. ___, 129 S. Ct. 1710 (2009), have been satisfied as well.

As to Forbis's claim that his *Miranda* rights were violated, the evidence shows that the statement made by Forbis concerning a gun in the car was not volunteered but was instead made in response to a question by Deputy Winchester. Because the statement is a result of interrogation before a *Miranda* warning, the Court agrees that it must be suppressed.

The Court also agrees that Forbis's pro se motion to dismiss should be denied

because it was he who requested a continuance from the June trial docket tolling the speedy trial act. Forbis has since entered a plea of guilty. It is therefore

ORDERED that Forbis's Motion to Dismiss [Doc. # 326] is DENIED. It is further

ORDERED that Forbis's Motion to Suppress Evidence [Doc. # 324] is

GRANTED as to his statement concerning the gun and DENIED in all other respects.

Dated: September 20, 2010

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge